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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/980,062 | 05/10/2002 | A Satyanarayan Naidu | 50046290-0007 | 9560 |

24982 7590 01/05/2006

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------------|--|--|
| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 09/980,062 | Applicant(s) NAIDU, A SATYANARAYAN | |
| | Examiner Jeffrey E. Russel | Art Unit 1654 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 05 December 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See attachment.

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1. The Summary of Claimed Subject Matter at page 9 of the Brief filed December 5, 2005 is not in compliance with 37 CFR 41.37(c)(1)(v). Note that the Summary in the Brief does not discuss each independent claim involved in the appeal, i.e. claims 1, 18, 101, and 102, and does not provide citations to the specification for each independent claim involved in the appeal.

A minor misspelling occurs at page 9, line 4, of the Brief. The word “bilobate” is misspelled.

2. The Grounds of Rejection To Be Reviewed On Appeal at pages 10-11 of the Brief filed December 5, 2005 does not correctly list the claims rejected under 35 U.S.C. 102(b) as being anticipated by the WO Patent Application 91/13982. In addition to those claims listed by Appellant, claims 2, 18, 38, and 103 are also included in the rejection as set forth in the final rejection.

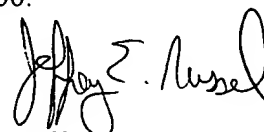
3. In the Claims Appendix at pages 30-65 of the Brief filed December 5, 2005, underlining marks from previous amendments appear at claim 40, page 38, line 3; and at claim 70, page 43, line 2. Amendment markings should be omitted from the Claims Appendix, as indicated in MPEP 1205.02, page 1200-15, paragraph bridging columns 1 and 2 (Rev. 3, August 2005).

4. The Brief filed December 5, 2005 does not contain a Related Proceedings Appendix as required by 37 CFR 41.37(c)(1)(x). MPEP 1205.02, page 1200-15, column 2, third full paragraph (Rev. 3, August 2005) indicates that if no copies of related decisions are being submitted, then the appendix should be included with the indication “none”.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Bruce Campell can be reached at (571) 272-0974. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

A handwritten signature in black ink, appearing to read "Jeffrey E. Russel". The signature is stylized with a large initial "J" and a long, sweeping underline.

Jeffrey E. Russel

Primary Patent Examiner

Art Unit 1654

JRussel

December 29, 2005